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BY NYSCEF

The Honorable Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Jordan v. Mirra*, 2:12-cv-01742-KBF

Dear Judge Forrest:

We represent the Defendant, Raymond A. Mirra Jr., in the above-captioned action.

We are writing in response to Plaintiff Gigi Jordan's November 18, 2013 letter (the "Letter") to chambers asserting Ms. Jordan's view that this matter is so related to *Mirra v. Jordan*, 1:13-cv-05519-AT, a defamation action filed by Mr. Mirra on August 7, 2013 and currently pending before Judge Torres, that the two cases should be treated as related.

Mr. Mirra's counsel in *Mirra v. Jordan* has informed me that Ms. Jordan raised the issue of the alleged relatedness before Judge Torres during a scheduling conference held in chambers, who declined the invitation to treat the two civil cases as related. Ms. Jordan's counsel acknowledges at page 2 of the Letter, Judge Torres did not find sufficient overlap between the cases to warrant deeming them related. We agree that the claims and factual allegations of the two complaints are different and focused on largely disparate matters. While the Letter is not clear as to what is sought from Your Honor, I note that no specific motion for relief is pending before this Court or, I understand, before Judge Torres.

In the Letter, Ms. Jordan suggests that Judge Torres' decision created a "paradox" resulting from the "conflicting posture" by allowing discovery to proceed in *Mirra v. Jordan*, while it is stayed in this matter. In footnote 4 of the Letter, counsel for Ms. Jordan asserts that the District Attorney prosecuting the criminal case against Ms. Jordan has "eschewed" a motion to stay the defamation action. That is not the case. On

November 18 (the day after the Letter was docketed), the District Attorney filed a motion in the defamation action to stay those proceedings based on reasons similar to those that underpinned Your Honor's Order granting a stay in this case. A copy of those motion papers are attached hereto for your reference. We understand from Mr. Mirra's counsel in the defamation action that he does not intend to oppose the District Attorney's motion to stay.

Ms. Jordan previously had filed a motion to lift the stay in the present case pending before Your Honor. We will file our formal response to that motion when due on Monday, November 25, 2013.

Respectfully submitted,



Joseph P. Moodhe

cc: Allan L. Brenner, Esq.
Kenneth A. Sweder, Esq.
Nathan Z. Dershowitz, Esq.
Robert L. Raskopf, Esq.
Honorable Annalise Torres